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6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

Case No.: CR 09-00717 JF

11 Plaintiff,

**STIPULATION TO CONTINUE  
HEARING AND EXCLUDE TIME;  
{PROPOSED} ORDER**

12 v.

13 MARCO BARBOSA; MARIA BARBOSA,

Honorable Jeremy Fogel

14 Defendants.  
15 \_\_\_\_\_/

16  
17 Defendants Marco and Maria Barbosa and the government, through their respective counsel,  
18 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,  
19 presently scheduled for Thursday, June 24, 2010 at 9:00 a.m., be continued to Thursday, July 29,  
20 2010, at 9:00 a.m. The continuance is requested because the parties are engaged in settlement  
21 negotiations, and the defense requires time to discuss proposed resolutions with Mr. and Mrs.  
22 Barbosa. Additionally, defense investigation is ongoing, and July 29 is the next date that all counsel  
23 are available.

24 The parties further agree that time should be excluded under the Speedy Trial Act because the  
25 ends of justice served by granting the requested continuance outweigh the interest of the public and  
26

the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 6/22/10

/s/  
LARA S. VINNARD  
Counsel for Marco Barbosa

Dated: 6/22/10

/s/  
PETER LEEMING  
Counsel for Maria Barbosa

Dated: 6/22/10

/s/  
EUMI CHOI  
Assistant United States Attorney

### **~~[PROPOSED]~~ ORDER**

The parties have jointly requested a continuance of the hearing set for Thursday, June 24, 2010, to allow additional time for defense preparation and investigation, and for continuity of counsel. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Thursday, June 24, 2010 at 9:00 a.m., be continued to Thursday, July 29, 2010, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from June 24, 2010, to July 29, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 6/23/10

  
JEREMY FOGEL  
United States District Judge